

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Paul L. Hazel,
Plaintiff

v.

Civil No. 05-cv-230-SM

James J. Aquin;
and MA Contributory
Retirement Appeals Board,
Defendants

O R D E R

Plaintiff apparently has an ongoing dispute with the Massachusetts Contributory Retirement Appeals Board ("Board") over its denial of his application for accidental disability retirement benefits. Plaintiff was previously employed as a public school teacher in Lynn, Massachusetts. He currently resides in this district, but all the acts complained of occurred in the District of Massachusetts. Moreover, he litigated his disability claim to completion in the Massachusetts courts.

Defendants, the Board and a Massachusetts Assistant Attorney General who represented the Board in this dispute, move to dismiss plaintiff's complaint on a number of valid grounds. The

Assistant Attorney General is entitled to absolute immunity. Burns v. Reed, 500 U.S. 478 (1991). The claim against the Board is barred by the Rooker-Feldman doctrine as it has already been litigated to final judgment in Massachusetts and plaintiff seeks to overturn that adverse judgment, and seeks relief that would necessarily require a determination that the state court judgment was wrong. See Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983). In addition, venue is improper here, and personal jurisdiction over the defendants appears to be lacking.

The complaint is dismissed for the reasons asserted by defendants in their motion to dismiss (document no. 4).

SO ORDERED.


Steven J. McAuliffe
Chief Judge

October 17, 2005

cc: Paul L. Hazel, pro se
Daniel J. Mullen, Esq.
Juliana deHann Rice, Esq.